

The Orissa Gazette



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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 6th January 2011

No. 158—li/1(S)-83/1994 (Pt.)-LE.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 20th July 2009 in Industrial Dispute Case No. 61 of 1995 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial dispute between the Management of M/s Sambalpuri Bastralaya, Handloom Co-operative Society Ltd., Bargarh and its Workman Shri Chakradhar Behera was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER, LABOUR COURT
SAMBALPUR

INDUSTRIAL DISPUTE CASE NO. 61 OF 1995

Dated the 20th July 2009

Present :

Smt. Suchismita Mishra, LL.M.,
Presiding Officer,
Labour Court,
Sambalpur.

Between :

The Management of
M/s Sambalpuri Bastralaya,
Handloom Co-op. Society Ltd.,
Bargarh.

.. First Party—Management

And

Its Workman
Shri Chakradhar Behera,
At Talipada,
P.O. Bargarh,
Dist. Bargarh.

.. Second Party—Workman

Appearances :

Shri H. Patel, Auth. Representative.	..	For the First —Party Management
None	..	For the Second Party —Workman

A W A R D

1. The Government of Orissa in the Labour & Employment Department in exercise of powers conferred upon them by sub-section (5) of Section 12, read with Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) and by their Order No. 13134—li/1-(S)-83/1994-LE., dated the 21st September 1995 have referred the following dispute for adjudication by this Court.

“Whether the termination of service of Shri Chakradhar Behera ex-Senior Assistant by the management of M/s Sambalpuri Bastralaya Handloom Co-operative Society Ltd., Bargarh with effect from 30 1-1992 is legal and/or justified ? If not, to what relief Shri Behera is entitled ?”

2. In the instant proceeding, the following issues were settled for determination.

ISSUES

- (i) “Whether the domestic enquiry conducted by the management was fair and proper ?
- (ii) Whether the termination of services of the workman by the management with effect from 30-1-1992 is legal and/or justified ?
- (iii) If not, to what relief the workman is entitled ?”

After framing of issues both the parties were directed to adduce their respective evidence relating to Issue No. (i) which was taken up for hearing as a preliminary issue. After hearing on the aforesaid issue was concluded an order was passed by this Court holding that the domestic enquiry conducted in this case was not fair and proper and as such the management was given the opportunity for adducing further evidence to substantiate its action which was taken against the workman on the basis of the Enquiry Report. Thereafter, as revealed from the case record, the matter was posted for hearing on other issues and the management was asked to adduce further evidence, if any, on their behalf. Thus when the case was posted for hearing being adjourned from date to date, the second party —workman expired on Dt. 17-11-2000. Then subsequently the wife of the the secondparty— workman appeared in this proceeding and filed a petition before the Court on Dt. 8-10-2007 to close the case on the ground that she was unable to attend the Court due to financial problems. However, that petition was kept pending for disposal from date to date and ultimately by order Dt. 5-10-2008 of this Court a notice was to the wife of the deceased workman to

appear in this case, Sumitra Behera, wife of the deceased workman appeared before the Court on Dt. 29-1-2009 and on that day she was directed to file the legal heir certificate relating to her deceased husband so that she could be substituted in this case as a party for further proceeding in the matter. She, however, did not file the original legal heir certificate in the case and ultimately remained absent in the Court on Dt. 20-7-2009 without taking any step before the Court. This is a case of the year 1995 and sufficient opportunities have already been given to the legal heirs of the deceased workman to be substituted in this case for proceeding in the matter. In the circumstances, I feel no useful purpose will be served if the case shall be dragged further awaiting proper substitution/ completion of the legal heirs of the deceased workman in the case. hence the case is dismissed with a no dispute Award.

Dictated and corrected by me.

S. MISHRA
20-7-2009
Presiding Officer
Labour Court
Sambalpur

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20-7-2009
Presiding Officer
Labour Court
Sambalpur

By order of the Governor
P. K. PANDA
Under-Secretary to Government